

## REMARKS

Claims 1-16 are pending.

Claims 1-16 are rejected.

Claim 1 is amended to incorporate the idea that the operation of whether a converted message is inserted into broadcasted program will depend on geographic data contained within a received alert message. That is, if the geographic data in the alert message matches a geographic region corresponding to a user which would be affected by an event, the alert will be converted and transmitted over a program distribution network. If the alert message does not have geographic data matching a user, the alert message will not be inserted into broadcasted programming. Support for this amendment is found in the specification on page 1, lines 17-22, page 2, lines 31-35, page 8, lines 12-31, and in other places.

Claim 1 is also amended to eliminate the term "network fabric" and to reconcile the phrase with the previously used term "program distribution network".

Claim 2 is amended to comport with Claim 1.

Claim 3 is amended to comport with Claim 1 and in view of the objections made to the claim by the Examiner.

Claim 4 is amended in view of the objections made to the claim by the Examiner.

Claim 5 is amended in view of the objections made to the claim by the Examiner.

Claim 6 is amended to claim only one element of the previous group.

Claim 7 is amended for the same reasons listed above for Claim 1.

Claim 8 is amended in view of the objections made to the claim by the Examiner.

Claim 9 is amended in view of the objections made to the claim by the Examiner.

Claim 10 is amended in view of the objections made to the claim by the Examiner.

Claim 11 is amended in view of the objections made to the claim by the Examiner.

Claim 12 is amended for the same reasons listed above for Claim 1.

Claim 13 is amended in view of the objections made to the claim by the Examiner.

Claim 14 is amended to comport with the amendments made to Claim 12.

Claim 15 is amended in view of the objections made to the claim by the Examiner.

Claim 16 is amended in view of the objections made to the claim by the Examiner.

No new matter was added in view of these amendments.

#### **I. Objection to Claims 3-5, 8-11, and 13-16**

The Examiner objected to Claims 3-5, 8-11, and 13-16 for various clarity reasons. To aid in the prosecution of this application, the Applicants have amended such claims in the manner suggested by the Examiner.

The Applicants therefore request that Examiner remove the rejection to such claims.

#### **II. 102(e) Rejection of Claims 1-16**

The Examiner rejected Claims 1-16 under 35 U.S.C. 102(e) as being anticipated by Manson et al. (U.S. Patent 6,543,051, hereafter referred to as 'Manson'). Applicants disagree with this ground of rejection.

Claim 1, as amended, claims the element of having "the program distributor inserts the converted alert into the broadcast programming via the program distribution network when a geographic data in said alert message matches a geographic region corresponding to a user that receives said broadcasting programming from said program distributor, and said alert based information is not transmitted when said geographic data in said alert message does not match said geographic region corresponding to said user." This claimed element is neither disclosed nor suggested in Manson.

Manson does disclose the concept of having an received analog emergency message be converted into a format that is capable of being transmitted over a digital system. The operation of Mason looks to decide if a received emergency message contains a text message or an audio message (see Fig. 4, Manson). Within such a determination in Manson, there is no consideration for using geographical information in determining whether an alert message should be converted and transmitted, unlike what is claimed in Claim 1.

Manson does disclose that the digital emergency alert message that is created from a received alert message, "includes the elements normally associated with an emergency alert message, such as the applicable geographic area, (e.g., counties)," (Manson, col. 5, lines 22-25). The digital message also contains FIPS codes as defined by the FCC (Manson, col. 6, lines 3-6). Manson however does not disclose or suggest that such information is used by the digital alert system to determine whether a received alert message should be converted and distributed (as in Claim 1). That is, the Manson reference does not focus on what type of information is used for determining whether an alert message should be distributed (such as geographical information). Instead, Manson's teachings and suggestions are for a system that converts an emergency message from an analog format to a digital format.

The operation of the system of Manson suggests that the discrimination of an emergency message is to be considered downstream (by a subscriber location 250 by use of FIPS codes) instead of having the headend 205 operate as the

gatekeeper as to whether an alert message is to be distributed (as in Claim 1). Headend 205 in Manson is concerned with whether a received message is capable of being distributed over a digital system and whether the conversion will entail a text or audio message. The system of Manson however does not discriminate in terms of whether the alert message is appropriate for a specific geographic area, unlike what is claimed in Claim 1. Manson is concerned also about preserving the substance of a received alert message, but it does not concern itself whether an alert message should be converted and transmitted as what is in Claim 1.

The concept of Claim 6 of transmitting an alert related to a missing person is neither disclosed nor suggested in Manson (see Table 2). That is, the present invention allows for the targeting of a specific alert for a missing person to a geographic area.

The claimed elements of Claim 7 are not described nor suggested in Manson for the same reasons listed for Claim 1. The same reasons apply for Claim 12.

Claim 13 claims an element of “wherein the converted alert message is identified by a PID corresponding to the alert message”. The Examiner points to Manson as teaching this claimed element, where the reference states, “the message name field (msg\_name) provides a unique name to identify the digital emergency alert message.” This msg\_name is a text string (see Table 1), which needs to have the full contents of Table 1 to be identified and is not delivered at the packet level. A PID on the other hand is a packet identifier (for a data packet) which is located in the header of a packet. This packet identifier of Claim 13, in contrast does not need to have the contents of a packet (header and payload) fully be decoded in order to know that an alert message is contained within a packet. That is, the claimed PID is not the same thing the msg\_name of Manson.

For the reasons given above for independent Claims 1, 7, and 12, the Applicants assert that such independent claims are patentable. Claims 2-6, Claims 8-11, and Claims 13-16 are patentable for the reasons given above and that such claims depend on Claims 1, 7, and 12, respectively.

Accordingly, the allowance of the pending claims is respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicant's attorney at (609) 734-6809, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Applicant therefore request a three-month extension to file this response under 37 C.F.R. 1.136(a). Please charge Deposit Account 07-0832 for this extension and for any other fees owed in connection with this amendment/response.

Respectfully submitted,

/Joel M. Fogelson/

By: Joel M. Fogelson  
Reg. No. 43, 613  
Phone (609) 734-6809

Patent Operations  
Thomson Licensing Inc.  
Suite 200  
Princeton, New Jersey 08540  
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